



Virginia Department of
Emergency Management

Debris Removal and Monitoring Policy and Alternative Procedures

January 7, 2022

Labor and Debris Removal Options

Table 5. Emergency Work Labor Eligibility

Emergency Work Labor Eligibility		
Budgeted Employee Hours	Overtime	Straight-Time
Permanent employee	✓	
Part-time or seasonal employee working during normal hours or season of employment	✓	
Unbudgeted Employee Hours	Overtime	Straight-Time
Reassigned employee funded from external source	✓	✓
Essential employee called back from furlough	✓	✓
Temporary employee hired to perform eligible work	✓	✓
Part-time or seasonal employee working outside normal hours or season of employment	✓	✓

Table 5 Emergency Work Labor Eligibility, indicates different types of budgeted and unbudgeted employees. Overtime is time worked beyond an employee's scheduled working hours as defined by the Applicant's pre-disaster pay policy.

Under the Alternative Procedures authorized by Section 428 of the Stafford Act, however, **straight-time labor costs may be eligible for budgeted employees conducting eligible debris removal (Category A) activities.**



Simplified the opt-in procedure for Debris Removal Alternative Procedures

Alternative Procedures for Debris Removal:

The Applicant may elect to participate in the Alternative Procedures for debris removal and receive reimbursement for straight-time for the Applicant's budgeted employees that conduct debris removal activities. The Applicant opts-in by including straight-time in their debris removal (Category A) project claims.

Reimbursing straight-time labor costs:

In general, FEMA's criteria for reimbursing straight-time labor costs differ depending on the type of employee and whether that employee is performing Emergency Work or Permanent Work. For Emergency Work, only overtime labor is eligible for budgeted employee hours. For unbudgeted employees performing Emergency Work, both straight-time and overtime labor may be eligible.

Under the Alternative Procedures authorized by Section 428 of the Stafford Act, **straight-time labor costs may be eligible for budgeted employees conducting eligible debris removal (Category A) activities.**



Eligibility Criteria Based on Type of Employee and Work Performed

1. **Reassigned Employees:** The Applicant may assign an employee to perform work that is not part of the employee's normal job. For example, a police officer may clear debris. FEMA provides PA funding based on the reassigned employee's normal pay rate, not the pay level appropriate to the work, because the Applicant's incurred cost is the employee's normal pay rate.
2. **Reassigned Employees Funded from an External Source:** Straight-time of a permanent employee funded from an external source (such as a grant from a Federal agency or statutorily dedicated funds) is eligible if the employee is reassigned to perform eligible Emergency Work that the external source does not fund. FEMA must confirm that no duplication of funding exists prior to approval.
3. **Backfill Employees:** The Applicant may need to temporarily replace an employee who is responding to the incident. Overtime costs for the backfill employee are eligible even if the backfill employee is not performing eligible work as long as the employee that he/she is replacing is performing eligible Emergency Work.
 - ✓ FEMA also provides PA funding for straight-time if the backfill employee is a:
Contracted or temporary employee; or Permanent employee called in on a normally scheduled day off.
If the backfill employee is called in from scheduled leave, only overtime is eligible.
4. Straight-time of essential employees called back to work from a budget-related furlough due to the declared incident is eligible if the costs are not budgeted.



Eligibility Criteria Based on Type of Employee and Work Performed

5. Supervisors Second-level supervisors and above (e.g., commissioners, mayors, department directors, police and fire chiefs) are usually exempt employees.
 - ✓ Therefore, overtime costs related to these types of employees are ineligible, unless the Applicant: Demonstrates that the employee was directly involved with a specific project; Normally charges that individual's time to specific projects regardless of Federal funding; and Incurs overtime costs for the employee in accordance with a labor policy that meets the criteria in Chapter 6:II.A. Labor Policies.
6. Other Extraordinary costs (such as call-back pay, night-time and weekend differential pay, and hazardous duty pay) for essential employees who are called back to duty during administrative leave to perform eligible Emergency Work are eligible if costs are paid in accordance with a labor policy that meets the criteria above. Administrative leave or similar labor costs incurred for employees sent home or told not to report due to emergency conditions are ineligible.
7. Standby Time FEMA may provide PA funding for labor costs related to intermittent standby time for staff conducting eligible evacuation or sheltering, search and rescue, or emergency medical care. All of the following criteria must be met: Standby use and pay are consistent with the Applicant's labor policy (or contractual obligation based on a labor agreement) and consistent with its practice in non-federally declared incidents; The standby time occurred when it was necessary to have resources available to conduct the respective life-saving action; The number of hours and individuals were reasonable and necessary based on the number of resources required; The employee was conducting the respective life-saving action; and All other labor cost eligibility criteria were met; emergency medical care to survivors in order to save lives; and;



Source: FEMA
PAPPG v4.0

Continued: Eligibility Criteria Based on Type of Employee and Work Performed

emergency medical care to survivors in order to save lives; and; When a contract or union agreement requires payment for standby time. These employees are exempt from the overtime pay requirements set forth in the Fair Labor Standards Act. V4 2020.

Additionally, the Applicant may be required to pay firefighter costs from portal-to-portal, which may result in paying for 24-hour shifts with periods of rest.

FEMA will reimburse costs based on such requirements. In these instances, FEMA limits its reimbursement to costs and timeframes that are reasonable and necessary, not to exceed 14 calendar days from the start of the incident period.

The Applicant must provide the data that led to its decisions and actions. Standby time is separate and distinct from pre-positioning resources, which is addressed in Chapter 7:II.E. Pre-positioning Resources



Contract Highlights Debris Removal & Monitoring through VDEM State Contracts



Purpose of Contracts:

- Cooperative contracts are written, solicited and awarded by VDEM. These contracts are relied on by many local government agencies throughout the Commonwealth of Virginia.
- These contracts allow local and state agencies to have quick access to approved contractors who are legally able to remove, monitor, and ethically dispose of debris caused by natural disasters.
- VDEM works closely with local governments, state agencies and FEMA to provide a comprehensive, efficient and effective debris removal, with related monitoring, response to disasters throughout the Commonwealth.



Debris



Types of Contracts Table from the Debris Monitoring Guide

TYPES OF DEBRIS REMOVAL CONTRACTS AND MONITORING CONSIDERATIONS		
Contract Type	Description of Contract	Considerations for Monitoring Operations
Unit Price Contract	<ul style="list-style-type: none"> Used when individual work tasks are known but the total amount of work cannot be verified. Units of work can be measured in terms of weight, volume, or any other quantifiable measure. 	<ul style="list-style-type: none"> Documentation of the location, eligibility, and quantities of debris is essential because the unit price contract is based on an estimate of debris quantities. Closely monitor pick up, transportation, eligibility determination, segregation, staging, reduction, and final disposition. Maintain management of truck/trailer measurements; certify all trucks before use.
Lump-Sum Contract	<ul style="list-style-type: none"> Used when the SOW can be identified and quantified; use for a well-defined SOW with a finite contract period. 	<ul style="list-style-type: none"> Loading monitors must validate that only contract-identified debris is collected. Debris should only be obtained from eligible sources. DMS site monitors should carefully review processing of materials (quantities collected for processing and quantities post-processing). Document truckloads and debris volumes to make sure final volume matches contract.
Time-and-Materials Contract	<ul style="list-style-type: none"> Used when the SOW necessary to achieve an outcome is unknown contractor is paid for actual time, equipment usage based on hourly rates, and materials used (a ceiling prices is required). 	<ul style="list-style-type: none"> Monitoring must be thorough. Inspection reports should be produced every day and should include the following information: <ul style="list-style-type: none"> Number of hours worked Type and quantity of each type of truck/trailer/equipment used Verification of equipment hours—document active work hours only; “stand-by” time is not eligible for FEMA funding Verification of labor hours compared to equipment hours Document weather conditions as they might affect daily work Monitor production rates for each staging and reduction site Monitor performance Check quantities of debris hauled (CY) Load tickets can be used as a way of checking contractor efficiency if debris is hauled based on CY



Item 1: Contract Activation

- When a major disaster occurs or is imminent, the Commonwealth will initially send out an Alert to the selected Contractors.
- Subsequently, the Commonwealth will identify those Agencies who are authorized to issue further task orders to the Contractors.
- The first task order issued by an Agency will authorize the Contractors to begin mobilizing the personnel and equipment as necessary to perform the stipulated work.
- This first Agency task order will also direct the Contractors to execute the performance and payment bonds and to provide the necessary cost estimate.



Item 2: Agencies that Can Use the Contracts

- Authorized Agencies include state agencies and political subdivisions of the Commonwealth, which may be cities, counties and towns.
- Agencies should have their own procurement policies which are in compliance with, at a minimum, the Commonwealth's state procurement policies. If the locality's procurement policy is more stringent than the state's, the locality's policy should be used.
- It is recommended that the Agencies have a FEMA approved debris management plan for their jurisdictions. Pre-selected landfills for debris storage and temporary debris storage/reduction sites are generally required.



Item 3: Procurement

- Localities must follow its own documented procurement procedures which reflect applicable state and local laws and regulations, provided that the procurements conform to applicable federal law and standards identified in 2 C.F.R. §§ 200.318 through 326.
- In a Federal declaration, the FEMA Federal Coordinating Officer (FCO) may require that the pre-selected Debris Removal Contractors contracts be terminated and that a new bidding process occur. In this process, perhaps a few weeks into the debris cleanup (after the emergency period), more competitive unit prices may be received. Especially if a large amount of debris is involved.



Procurement Standards

Summary of Procurement Standards

State	Other Non-Federal Entities (local governments, tribal governments, IHE, hospitals, and other nonprofit organizations)
2 C.F.R. § 200.317	2 C.F.R. §§ 200.318 through 326
<p><u>Synopsis:</u></p> <p>Must follow same policies and procedures it uses for procurements from its non-Federal funds, comply with 200.322 (procurement of recovered materials), and ensure that every purchase order or other contract includes any clauses required by 200.326 (contract provisions)</p>	<p><u>Synopsis:</u></p> <p>Must follow their own documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. §§ 200.318 through 326</p>
<p><u>Note:</u> The recipient and subrecipient must comply with all applicable federal laws, regulations, and executive orders</p>	



Item 3A: Procurement Mistakes

- Common findings for disallowed claim costs include: 1) noncompetitive contracting practices, 2) failure to include required contract provisions, and 3) the use of “cost-plus-percentage-of-cost” contracting. Not obtaining price or rate quotations from an “adequate number” of qualified services for Small Purchases (Federal standard is less than \$150,000).
- Request for proposals (RFPs) must be publicized and all evaluation factors and their relative importance identified. Placing qualified small, minority businesses and women’s business enterprises on solicitation lists. Localities must have a written method for conducting technical evaluations of the proposals received and for the selection of the Contractor.



Debris Removal



Table from the Debris Monitoring and Removal Guide

Table 1: Monitoring Requirements by Contract Type

Contract Type	Scope of Work	Monitoring Required					Comments
		Crew Efficiency	Collection Site	DMS	Disposal Site	Compliance	
Lump-Sum	Defined debris quantities and reasonable costs. Estimate is basis for contract costs.		✓		✓		<ul style="list-style-type: none"> Assess debris eligibility at collection site Quantities are required to determine reasonable costs and establish change orders Ensure ONLY debris from within contract limits is processed
Unit Price – CY	Based on eligible debris listed on load tickets.	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> Assess debris eligibility at collection site Document debris quantities Verify debris processing volumes
Unit Price – Ton	Based on actual weight measurements of eligible debris listed on load tickets.	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> Assess debris eligibility at collection site Document debris quantities Verify debris processing weights Verify calibration of scales
Time-and-Materials	Based on labor, equipment, and materials records. Reasonable costs evaluated by determining costs per unit.	✓	✓		✓	✓	<ul style="list-style-type: none"> Assess debris eligibility at collection site Typically used for road clearance activities during the Response Phase Supervising and monitoring every work crew is required Tracking debris removal quantities is still required to determine reasonable costs



Item 4: Vendors

Potential Vendors (debris removal contractors and debris removal monitoring contractors) must meet several requirements to be eligible for submitting proposals to the Commonwealth.

— Vendors must have prior experience in debris removal/monitoring, have a Virginia Business license, not be presently (or in the past) disbarred, financially sound, have specific qualifications related to the scope of the work, have references and can demonstrate that they have experienced staff.

— Additionally, Vendors should generally work to include small, women-owned, and minority-owned businesses in their workforce teams.



Item 5: Special Conditions

- Generally, debris removal contracts are written for one year with an option to renew for additional years. Also, these contracts are usually for multiple Contractors/Vendors.
- There must not be a conflict of interest between the Debris Removal Contractor and the Debris Removal Monitoring Contractor. The two Contractors must not have any business relationship and must be separate entities.
- Awarded Contractors shall be capable of the removal of a total of 2 million cubic yards of debris from any combination of Agencies in the VDEM regions in a maximum of 90 calendar days and complete all disposal operations within 180 calendar days.



Item 5 Cont'd: Special Conditions

- Preventive maintenance is defined as the usual field maintenance to keep equipment in operating condition without the use of extensive shop equipment.
- The Contractor shall be responsible for any damages to private or public property that results from his debris collection and removal activities.
- Curbside segregation of debris and disaster-generated wastes may be an element of an Agency's disaster recovery program.
- The debris removal and disposal Contractor will be required to aid in the segregation and waste stream management processes.



Item 6: VDOT Special Conditions

VDOT Limitations of Operation & Maintenance of Traffic

- All work areas and lane closures shall be in accordance with the “VDOT Work Area Protection Manual”, dated May 2005, and shall be directed or approved by the VDOT Engineer.
- VDOT reserves the right to change any or all of the work hours when such changes are in the best interest of the traveling public.
- Restrictions to traffic shall be removed during holidays. Traffic control devices shall be kept in proper working order at all times. If the Contractor works at night, he shall provide sufficient lighting for all the work. No lane closures or other traffic disruptive work is to initiated prior to those times specified by VDOT.



Debris Monitoring



Item 7: Price Listings

- Award of Contract: Selection of an Offeror (Contractor) will be based on the submitted Request For Proposal (RFP) which includes the price. Negotiations shall be conducted with the two or more Offerors (Contractors) deemed to be the most qualified. Price shall be considered, but need not be the sole determining factor.
- Evaluation and Award Criteria include: 1) Financial (30%) reasonableness of proposed prices, and 2) Technical (20%) quality and quantity of proposed prices.
- Bid Acceptance Period: Bids shall be in the form of a firm unit price for each item during the contract period. Any bid in response to this solicitation shall be valid for (120) days.



Item 8: Contract Expiration

- The Purchasing Agency reserves the right to cancel and terminate any resulting contract without penalty, upon 60 days written notice to the Contractor.
- In the event the initial contract period is for more than 12 months, the resulting contract may be terminated by either party, without penalty, after the initial 12 months of the contract period upon 60 days written notice to the other party.
- Often, the initial 12 month contract period for the Contractor is renewed for another 12 month period. This may continue for a set period of annual renewals with a final limit, which may be 5 years.



Debris Monitoring



Item 9: Permitting

- Landfills used to dispose debris shall have permits. Solid Waste Management Facilities including landfills within Virginia can be found at DEQ's Website. Permitted facilities can be verified by contacting the the appropriate DEQ regional office.
- Temporary Debris Storage and Reduction Sites (TDSRS) shall have DEQ permits. These emergency permits include site location selection, construction, operation monitoring, closure, and post-closure care requirements.
- In the event of special debris types removal, specific permitting may be required by jurisdictions for the disposal of asbestos, electronic equipment, white goods and hazardous household waste.



Conclusion:

- Cooperative contracts are important for the life, safety, and welfare of the citizens in the Commonwealth of Virginia.
- These contracts allow fast and efficient cleanup of debris for access to residential, businesses and public facilities damaged by disasters.
- These contracts provide a framework to provide claim costs which are eligible for reimbursement by local governments and state agencies in obtaining the services of debris removal contractors and debris removal monitoring contractors. These reimbursements are paid by the Federal government (FEMA) in Federal disasters; and, by the State government (VDEM) in Federal and State disasters.



Resources:

- FEMA [Debris Monitoring Guide SOP](#) (2021)
- FEMA [Public Assistance Program and Policy Guide](#) (PAPPG V.4)
- FEMA [Schedule of Equipment Rates](#)
- Procurement Disaster Assistance Team (PDAT) [Contracting with Federal Funds for Goods and Services Before, During and After Disasters | FEMA.gov](#)
- For questions regarding Category A: Debris Removal, please email Recovery@VDEM.Virginia.gov.



Questions?



Recovery@VDEM.virginia.gov

THANK YOU!

